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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,539	11/21/2003	Hisashi Aoki	245782US2	9244
22850 7590 08/03/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
SALCT, JASON P				
ART UNIT		PAPER NUMBER		
2421				
NOTIFICATION DATE		DELIVERY MODE		
08/03/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/717,539

Applicant(s)

AOKI ET AL.

Examiner

Jason P. Salce

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 15-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS)
- Paper No(s)/Mail Date 1/4/2007.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 01/04/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Election/Restrictions

Claims 15-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/21/2009.

This application contains claims 15-33 drawn to an invention nonelected without traverse in the reply filed on 5/21/2009. A complete reply must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-9 and 11-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Menard et al. (U.S. Patent No. 6,061,056).

Referring to claim 1, Menard discloses a motion picture storage apparatus (**see monitoring system 1 in Figure 1**).

Menard also discloses a motion picture input unit which inputs motion picture data (**see video capture units 9-11 in Figure 1**).

Menard also discloses a motion picture storage unit which sequentially stores the motion picture data (**see mass storage 20 in Figure 1 and Column 5, Lines 51-55**).

Menard also discloses a condition storage unit which stores a condition related to a desirable scene previously set by a user (**see Column 5, Lines 23-28 for storing a series of keywords/conditions related to scene a user desires to view**).

Menard also discloses a motion picture analyzing unit configured to analyze the motion picture data stored in the motion picture storage unit to check whether a scene satisfying the condition is present (**see Figure 2 and Column 5, Lines 28-50 for the device configured to monitor/analyze incoming streams of data to determine a scene satisfying the keywords/conditions requested by the viewer**), and configured to acquire specifying information of the scene satisfying the condition when the scene satisfying the condition is present (**see Column 6, Lines 39-46 for acquiring and presenting specifying information when a scene has been detected by the monitoring/analyzing unit**).

Menard also discloses an information notifying unit which notifies the specifying information to a device of the user (**see Column 6, Lines 39-46 for acquiring and presenting specifying information when a scene has been detected by the monitoring/analyzing unit**).

Referring to claim 2, Menard discloses a motion picture output unit which outputs the motion pictures data stored in the motion picture storage unit to a device designated by the user **(see display 3 in Figure 1)**.

Menard also discloses that when the specifying information is designated by the user, the motion picture output unit outputs motion picture data of a scene designated by the specifying information **(see Column 8, Lines 46-57 for displaying or recording motion picture data when a pattern match is determined)**.

Referring to claim 4, Menard discloses that the motion picture data inputted by the motion picture input unit include at least coded data of the motion picture **(see Column 5, Lines 7-19 for inputting closed captioning data/coded data of the motion picture)**.

Referring to claim 5, see the rejection of claim 1 and further note that Menard discloses a motion picture output unit which outputs to a device of the user motion picture data of the scene designated by the specifying information when the scene satisfying the condition is contained in the motion picture data analyzed by the motion picture analyzing unit **(see Figures 12-13 and Column 9, Lines 13-25)**.

Referring to claim 6, Menard discloses that the motion picture output unit outputs the motion picture data after a data format of the motion picture data has been

converted into a data format preset by the user (**see Column 8, Lines 33-38 for storing video clips in an AVI format and Column 9, Lines 40-46 for receiving motion picture data in MPEG format, therefore inherently requiring conversion from MPEG to AVI in order for the system to recognize the stored video clips**).

Referring to claim 7, Menard discloses that the motion picture input unit receives motion picture data including sound data and picture data (**see Column 5, Lines 3-4 for receiving sound and picture data**).

Menard also discloses that the motion picture analyzing unit analyzes the sound data and the picture data (**see Column 7, Lines 5-16 and Figures 4-5**).

Referring to claim 8, see the rejection of claims 1 and 5 and further note that Menard discloses a specifying information receiving unit which receives specifying information for designating a specific scene of a motion picture (**see Figure 3 and Column 6, Line 57 through Column 7, Line 4**).

Menard also discloses a motion picture analyzing unit which analyzes the motion picture data stored in the motion picture storage unit to check whether a scene corresponding to the specifying information is present (**see steps 113-115 for analyzing the motion picture data stored by comparing keywords to closed captioning text**).

Menard also discloses an information notifying unit which notifies to a device of a user the fact that the scene corresponding to the specifying information is present when

the scene corresponding to the specifying information is present (see display device 3 in Figure 1, Figure 13 and Column 9, Lines 21-28).

The Examiner further notes that no condition information is claimed, therefore the Examiner notes that the specifying information can be equated to the condition information rejection in claims 1 and 5.

Referring to claim 9, see the rejection of claim 4.

Referring to claim 11, see the rejection of claims 1, 4-5 and 8.

Referring to claim 12, see the rejection of claim 2.

Referring to claim 13, see the rejection of claims 1, 4-5 and 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menard et al. (U.S. Patent No. 6,061,056).

Referring to claim 3, Menard discloses all of the claim limitations of claim 1, but fails to teach a condition storage unit further stores a modification condition previously set by the user, for modifying a motion picture of the desirable scene and that the

motion picture output unit modifies the motion picture data of the scene designated by the specifying information in accordance with the modification condition and outputs the modified motion picture data to the device of the user.

The Examiner takes Official Notice to the fact that a viewer can specification a modification condition that specifies how a motion picture is modified upon outputting the motion picture to the viewer's display.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the monitoring system, as taught by Menard, using the modification condition, as taught by the Examiner's Official Notice, for the purpose of allowing a viewer to view a motion picture in a format that he/she desires.

Referring to claim 14, see the rejection of claim 3.

Referring to claim 10, Menard discloses all of the claim limitation of claim 8, as well as that the specifying information receiving unit acquires the specifying information from an external server (see **Figure 14 for receiving the closed captioning information from an external server (broadcasting station)**), but fails to teach that the external server is previously designated by the user, and the specifying information is acquired from the external server when the present time reaches a time instant preset by the user.

The Examiner takes Official Notice to the fact that a viewer can select an external server to access at a specified time to acquire specifying information.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the monitoring system, as taught by Menard, using the external server accessibility features, as taught by the Examiner's Official Notice, for the purpose of allowing a viewer to access supplemental data regarding a television program at an off-peak time when the viewer is not using a large amount of bandwidth to transmit video programming.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/
Primary Examiner, Art Unit 2421

Jason P Salce
Primary Examiner
Art Unit 2421

July 28, 2009